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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,989	02/19/1999	STEFAN ERIKSSON	040000-495	5106
27045	7590	01/28/2004		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			EXAMINER BURD, KEVIN MICHAEL	
			ART UNIT 2631	PAPER NUMBER 18

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/252,989

Applicant(s)

ERIKSSON ET AL.

Examiner

Kevin M Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,8,9,12,13 and 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,6,8-9,12,13,15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This office action, in response to the response filed 11/17/2003, is a final office action.

Response to Arguments

2. Applicant's arguments filed 11/17/2003 have been fully considered but they are not persuasive. Applicant states Nokia does not disclose a segmentation indicator. However, Nokia determines if the receiver cannot decode a segment (frame) of the transmission. A segmentation indicator (frame number) is transmitted to the transmitter. Only those segments (frames) that could not be decoded are retransmitted. This is the resegmenting step. The changing of the coding scheme is described in page 5, lines 17-33 as stated in the previous office action. In addition, Nokia describes the storing of received data in the receiver on page 11, line 26 to page 12, line 25. The amount of data in the reception buffer is monitored to control the flow of data on lines 26-35 of page 11. As stated in the previous office action, the mode of channel coding is changed if and when data is not received correctly. The transmitter can use a more efficient channel coding scheme for the connection to control the redundancy of the transmissions. The redundancy is necessary when errors occur causing redundant transmissions to be sent. When no errors are present, no redundant retransmissions are necessary. Resources of the system are monitored to allow the system to change to a more efficient mode. Page 5 states the number of channels may be increased so that a more efficient channel coding scheme may be taken into use without reducing the

nominal data rate (lines 30-33). For these reasons and the reasons stated in the previous office action, the rejections to the claims are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-4, 6, 8, 9, 12, 13 and 15-34 are rejected under 35 U.S.C. 102(b) as being anticipated by NOKIA TELECOMMUNICATIONS (WO 96/36146).

Regarding claims 9, 15, 17, 20, 22-25, 28, 29 and 33, Nokia discloses a method of transferring information between a transmitting entity and a receiving entity (figure 1). The coding scheme used in the system is known in the receiver and transmitter and transmission sent from each of these elements represent this fact (page 5, lines 17-33). Data is encoded in the transmitter and transmitted to a receiver (page 5, lines 17-33). If the receiver cannot decode a segment of the transmission, a segmentation indicator (frame number) is transmitted to the transmitter (page 2, lines 7-30). Upon receiving an indication that data was not properly received, the transmitter can use a more efficient channel coding scheme can be used for the connection (page 5, lines 17-33). Retransmission of the data received in error is sent using this new channel coding scheme (page 2, lines 19-30). The received data is stored in the receiver to allow the data to be decoded.

Regarding claim 13, indication of the channel quality is sent to the transmitter (column 4, lines 3-21).

Regarding claim 16, the received data is decoded in the receiver.

Regarding claim 26, Nokia discloses retransmitting the data fewer times if the channel quality is sufficient (page 3, lines 9-14).

Regarding claim 27, Nokia discloses using a more efficient channel coding scheme to transmit and retransmit data free of errors (page 5, lines 17-33).

Regarding claims 2-4, 6, 8, 18, 19, 21, 30-32, 34, Nokia discloses using a more efficient coding scheme if the quality of the connection falls below a certain threshold (page 5, lines 17-33). The threshold is determined by the number of retransmission requests (page 5, lines 8-10).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
1/14/2004



TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER